

179234 179236
179235 179237

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2004-357-WS; 2006-92-WS; 2006-97-WS; 2006-107-WS

April 28, 2006

IN RE: Application of Carolina Water)
Service, Incorporated for Adjustment of)
Rates and Charges and Modification of)
Certain Terms and Conditions for the)
Provision of Water and Sewer Service;)
Application of Carolina Water)
Service, Incorporated for Adjustment of)
Rates and Charges for the Provision of)
Water and Sewer Service;)
Application of Tega Cay Water)
Service, Incorporated for Adjustment of)
Rates and Charges and Modifications to)
Certain Terms and Conditions for the)
Provision of Water and Sewer Service;)
Application of United Utility)
Companies, Incorporated for Adjustment)
of Rates and Charges and Modification to)
Certain Terms and Conditions for the)
Provision of Water and Sewer Service.)

SC PUBLIC SERVICE COMMISSION
2006 APR 28 PM 1:02
FILED

JOINT MOTION FOR
CONFIDENTIAL TREATMENT

The Office of Regulatory Staff ("ORS") and Carolina Water Service, Inc. ("CWS"), Tega Cay Water Service, Inc. ("Tega Cay"), and United Utility Companies, Inc. ("United"), (collectively, "the Movants") hereby file with the Public Service Commission of South Carolina ("Commission"), pursuant to S.C. Code Ann. Reg. 103-804(Y)(2) (Supp. 2005) and S.C. Code Ann. § 30-4-40(a) (Supp. 2005), this joint motion seeking an order (i) declaring the unredacted Petition and Cost Impact Summary

accompanying this motion as confidential, (ii) affording the unredacted Petition and Cost Impact Summary confidential treatment, and (iii) protecting the unredacted Petition and Cost Impact Summary from public disclosure. This joint motion is made on the following grounds:

1. The accompanying unredacted Petition and Cost Impact Summary is pursuant to the Request For Proposal (“RFP”) initiated by ORS for a Management Review Audit to be conducted by a selected vendor. As part of the RFP process, ORS negotiated a fee for the Audit and request that the amount of the fee remain confidential until a contract with a selected vendor has been executed. The Movants believe it is not appropriate to make the amount of the negotiated fee publicly available, until a contract for services is executed, and further asserts that access to this confidential information could give competing bidders an unfair competitive advantage. The Movants’ concern is recognized in the South Carolina Freedom of Information Act which allows exemption from disclosure documents of and documents incidental to proposed contractual arrangements *See* S.C. Code Ann. § 30-4-40(a)(5) (Supp. 2005).

2. Furthermore, the South Carolina Consolidated Procurement Code states that “Procurement information shall be a public record to the extent required by Chapter 4 of Title 30 (The Freedom of Information Act) with the exception that commercial or financial information obtained in response to a "Request for Proposals" or any type of bid solicitation which is privileged and confidential need not be disclosed”. S.C. Code Ann. § 11-35-410. Therefore, the Movants submit that the unredacted information contained in the Petition and Cost Impact Summary should be treated as confidential information.

3. In accordance with Commission Order No. 2005-226, the accompanying materials are presented for filing in a separate, sealed envelope with the words "confidential" marked clearly on the envelope. Moreover, each page of the unredacted Petition and Cost Impact Summary has been marked "Confidential." Further, a redacted version of the Petition and Cost Impact Summary is being filed contemporaneously herewith.

WHEREFORE, having fully complied with the requirements set forth in Commission Order No. 2005-226, the South Carolina Office of Regulatory Staff and CWS, Tega Cay, and United respectfully request that the Commission issue an order (i) declaring the accompanying unredacted Petition and Cost Impact Summary as confidential; (ii) affording the unredacted Petition and Cost Impact Summary confidential treatment, (iii) protecting the unredacted Petition and Cost Impact Summary from public disclosure; and (iv) for such other relief as the Commission may find to be just and proper.

(Signature Page Follows)

SOUTH CAROLINA OFFICE OF REGULATORY STAFF

By: C. L. Hammonds
Date: 4/28/06
C. Lessie Hammonds, Esquire
1441 Main Street, Suite 300
Columbia, SC 29201
Phone: (803) 737-0803
Fax: (803) 737-0895
Email: lhammon@regstaff.sc.gov

CWS, Tega Cay, and United

By: John M.S. Hoefer *by B.M. with express consent*
Date: 4/28/2006
John M.S. Hoefer, Esquire
1022 Calhoun Street, Suite 302
Post Office Box 8416
Columbia, SC 29202-8416
Phone: (803) 252-3300
Fax: (803) 256-8062
Email: jhoefer@willoughbyhoefer.com